

FILED

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF ILLINOIS

TIMOTHY D. KANE

Plaintiff,

v.

DEPUTY RAYMOND GILBERT, and
DEPUTY JOSEPH PAAVILAINEN,

Defendants.

07CV6590

JUDGE LINDBERG

MAG. JUDGE VALDEZ

NOV 21 2007 *sent*
NOV. 21, 2007
MICHAEL W. BOBBINS
CLERK, U.S. DISTRICT COURT

JH

MOTION FOR APPOINTMENT OF COUNSEL

NOW COMES Timothy D. Kane, plaintiff pro-se., and pursuant to Title 28 U.S.C. § 1915(e) moves this Honorable Court for an order appointing counsel to represent him in the instant cause, In support of this motion Plaintiff states:

1. Plaintiff cannot afford to hire a lawyer and or investigator. He has requested leave to proceed in forma pauperis in this case. *Argersinger v. Hamlin*, 407 U.S. 25 (1972); and *Gideon v. Wainwright*, 372 U.S. 335 (1963).

2. Plaintiff is in prison which will greatly limit his ability to litigate his case because of restraints and prohibition of access to the law library not caused by him. Also, this case will require factual investigation in to the Defendant's account of the incident and the scene that cannot be performed by Plaintiff due to his imprisonment. This case will involve credibility issues and maybe even an expert to testify about the effects of pepper spray. *Forbes v. Edgar*, 112 F.3d 262, 264 (7th 1997).

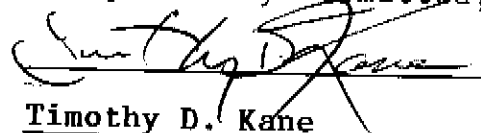
3. Plaintiff's case has merit, where he has photos of severe injuries and reports by Defendants who made no claim that

Plaintiff assaulted them at any time. Thus, Plaintiff has a reasonable chance of winning with a lawyer at his side. **Bass v. Perrin**, 170 F.3d 1312, 1320 (1999).

4. Plaintiff has tried, but could not obtain counsel on his own, **See Exhibit-A,B,C,and D**. Because he has no legal experience, excessive force claims contains*-the complexity of legal questions and credibility, necessitating discovery that indigent pro-se., does not have the education or financial capacity to obtain. **Merritt v. Faulkner**, 697 F.2761 (7th Cir. 1983); and **Davis v. United States**, 214 F.2d 594 (7th Cir. 1954).

WHEREFORE,Plaintiff prays that this court will grant him counsel to represent him on his claims.

Respectfully submitted,


Timothy D. Kane
#8-43676
P.O. Box 112
Joliet, IL 60434

LOEVY & LOEVY

ATTORNEYS AT LAW

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Michael Kanovitz
Jon Rosenblatt
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E-mail loevylaw@loevy.com

August 22, 2007

By First Class Mail
Timothy Kane
Reg. No. B-43676
Stateville Correctional Center
P.O. Box 112
Joliet, IL 60434-0112

Dear Mr. Kane:

This letter will confirm that our office is unable to accept professional responsibility on your behalf with respect to your case. I have enclosed the documents you provided for our review. Of course, we strongly encourage you to seek the opinion of other attorneys regarding this matter.

However, please be advised that there are time limitations that govern the period in which a claim or lawsuit may be filed. Such time periods depend on the cause of action you may wish to pursue. However, we encourage you to follow up with other attorneys immediately to ensure that all legal rights are fully explored and protected.

We appreciate your decision to contact us, and wish you the best of luck in pursuing your claims.

Sincerely,


Jessica Sauvageau

Exhibit-A

JENNER & BLOCK

October 2, 2007

Jenner & Block LLP
330 N. Wabash Avenue
Chicago, IL 60611-7603
Tel 312 222-9350
www.jenner.com

Chicago
Dallas
New York
Washington, DC

Timothy Kane
Stateville Correctional Center
Route 53
P.O. Box 112
Joliet, Illinois 60434-0112
Register No.: B43676

Barry Levenstam
Tel 312-923-2735
Fax 312-840-7735


Dear Mr. Kane:

Thank you for your letter requesting pro bono representation. After carefully reviewing your request, we have determined that we will not be able to undertake the representation you are seeking; therefore, we are returning your documents.

Each year we receive hundreds of requests for pro bono representation. Each request is examined on a case-by-case basis according to various criteria, including geographical location, jurisdiction, conflict of interest, etc. Unfortunately, because of the tremendous volume of requests we receive, we are simply not able to undertake each one regardless of merit.

We have included a list of other Chicago area firms offering pro bono services to assist in your pursuit of legal representation.

Sincerely,


Barry Levenstam
Co-Chair, Pro Bono Committee

BL/cp
Enclosures

Exhibit-B

UNGARETTI
& HARRIS

JOHN T. RUSKUSKY
312.977.4460
jtruskusky@uhlalaw.com

UNGARETTI & HARRIS LLP

CHICAGO

3500 Three First National Plaza
Chicago, Illinois 60602.4224
Telephone: 312.977.4400
Fax: 312.977.4405

WASHINGTON

1500 K Street, N.W., Suite 250
Washington, D.C. 20005.1714
Telephone: 202.639.7500
Fax: 202.639.7505

SPRINGFIELD

400 E. Jefferson Street, Suite 1200
Springfield, Illinois 62701.1053
Telephone: 217.544.7000
Fax: 217.544.7950

www.uhlalaw.com

October 9, 2007

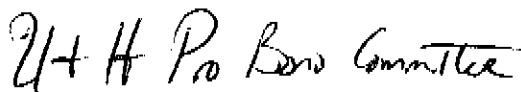
Timothy Kane B43676
P.O. Box 112
Joliet, Illinois 60434-0112

Re: People of the State of Illinois v. Timothy Kane
Joliet Correctional Center

Dear Mr. Kane:

We received your recent letter post-marked September 27, 2007. We have reviewed your letter and have decided that we cannot accept your request for representation by our law firm. We, therefore, cannot offer you any advice as how to proceed and are returning your letter and the materials that you provided.

Very truly yours,



Ungaretti & Harris Pro Bono Committee

Enclosures

Exhibit-C

ROGER D. RUDICH, LTD.
ATTORNEY AT LAW
205 W. RANDOLPH, SUITE 1310
CHICAGO, ILLINOIS 60606

ROGER D. RUDICH
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FAX: 312-236-8230

November 1, 2007

Timothy Kane
Prisoner No. B43676
Statesville Correctional Center
Route 53
P.O. Box 112
Joliet, IL 60434

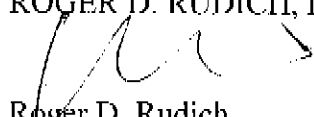
Re: Your August 5, 2007 letter

Dear Mr. Kane:

Thank you for August 5, 2007 letter and bringing this matter to my attention. Unfortunately, I will be unable to undertake the case on your behalf. I am herewith returning the documents you sent me. Please give my regards to Abdul Love and my best wishes to you for the future.

Very truly yours,

ROGER D. RUDICH, LTD.


Roger D. Rudich

RDR:irm
enclosures

Exhibit-D